

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**CHARLES E. FLEMONS**

**PLAINTIFF**

**V.**

**NO. 3:15CV0039-JMV**

**COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**ORDER ON PETITION FOR ATTORNEY'S FEES**

Before the court is Plaintiff's Petition [20] for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Judgment [19] dated December 23, 2015, this court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney's fees in the amount of \$5,197.50, representing 29.7 hours of attorney time at a rate of \$175.00 per hour and \$54.05 in travel mileage expenses on the grounds that he was the prevailing party, and the Commissioner's position was not "substantially justified." The Commissioner has filed no objection to the request for fees and expenses. Therefore, the court finds the requested amount is reasonable and does not exceed market rate attorney's fees.

**THEREFORE, IT IS ORDERED:**

That the Commissioner shall promptly pay to Plaintiff a total of \$5,251.55 in attorney's fees and expenses for the benefit of counsel for Plaintiff.

This, 10th day of February, 2016.

/s/ Jane M. Virden  
U. S. MAGISTRATE JUDGE